

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT ANNABEL,

Plaintiff,

No. 14-10244

v.

District Judge Arthur J. Tarnow
Magistrate Judge R. Steven Whalen

JACK FROST, ET AL.,

Defendants.

ORDER

On April 8, 2014, Plaintiff filed a motion for leave to file amended complaint [Doc. #17], which the Court granted on June 23, 2014 [Doc. #27]. Before the Court at this time is Plaintiff's second motion to amend/correct his complaint [Doc. #22].

In the second motion, Plaintiff brings claims against Defendants Eaton, Campbell, and Hemry, based on their denial or rejection of administrative grievances. However, the Sixth Circuit has held that liability may not be imposed simply because a defendant reviewed or denied a grievance. *Shehee v. Lutrell*, 199 F.3d 295, 300 (6th Cir. 1999)((holding that prisoner's claims against defendants whose only involvement was the denial of administrative remedies failed as a matter of law); *see also Martin v. Harvey*, 14 Fed.App'x. 307, *2 (6th Cir. 2001)(denial of a prisoner's grievance does not give rise to § 1983 liability); *Alder v. Corr. Med. Servs.*, 73 Fed.App'x 839, 841 (6th Cir.2003)(“The mere denial of a prisoner's grievance states no claim of constitutional dimension.”)).

When a proposed amended complaint would not survive a motion to dismiss, the court may properly deny the amendment as futile. *Neighborhood Development Corp. v. Advisory Council on Historic Preservation*, 632 F.2d 21, 23 (6th Cir. 1980); *Thiokol*

Corporation v. Department of Treasury, 987 F.2d 376 (6th Cir. 1993). Plaintiff's proposed amended supplemental complaint would be futile.

Therefore, Plaintiff's Motion for Leave to File Amended Supplemental Complaint [Doc. #22] is DENIED.

IT IS SO ORDERED.

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: October 20, 2014

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on October 20, 2014, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla
Case Manager to the
Honorable R. Steven Whalen